

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	
)	CRIMINAL NO. 4:12-cr-195
Plaintiff,)	
)	
vs.)	DEFENDANT'S
)	MOTION TO CONTINUE
PAMELA J. WARD, a/k/a PAM WARD,)	TRIAL AND TO EXTEND
)	DEADLINES
Defendant.)	
)	
)	UNCONTESTED

COMES NOW, the Defendant, by and through the undersigned attorneys, and pursuant to Federal Rules of Criminal Procedure and to Title 18 U.S.C. Sections 3161, 3162, Chapter 208, Speedy Trials, and other applicable sections of Federal Law and Rules MOVES the Court for an Order Continuing the currently set Trial Date from the trial period of March 4, 2013 to the two week trial period of June 3, 2013 and Extending the Deadlines set out in the Court's initial scheduling Order accordingly and in support of said Motion states:

1. This Defendant has been charged with four counts of Violation of Title 18 U.S.C. Section 1001(a)(2), each of which alleges that she did knowingly and willfully make material false, fictitious, and fraudulent statements and representations concerning a matter within the jurisdiction of the United States Department of Transportation, to wit: falsely inflated transit ridership data in support of the distribution of Section 5311 grant funds to the Ottumwa Transit Authority and 10-15 Transit Authority. The four counts make the same allegations as to four separate filings, for the four fiscal years of July 1,

2006 – June 20, 2007; July 1, 2007 through June 30, 2008; July 1, 2008 through June 30, 2009; and July 1, 2009 through June 30, 2010.

2. The matter is currently assigned by the Court in its arraignment order for trial in the two week trial period commencing March 4, 2013. That order also set February 9, 2013 as deadline for filing Motions and Notice of Defenses and February 19, 2013 as a deadline for filing Motion to Continue the Trial and giving notice to the Court on whether any plea of guilty would should occur.

3. The parties have entered into and the Court has signed a Stipulated Discovery Order and both parties have produced to the other substantial items, documents and information in the initial discovery portion of the process. The Government's discovery contained hundreds of pages of documents for review and investigation, but did not contain certain documents the Government had apparently not been provided by the Ottumwa Transit Authority, 10-15 Regional Transit Agency and the City of Ottumwa, Iowa the successor to the Ottumwa Transit Authority. Said documents are evidentiary, admissible and may contain exculpatory evidence. As a result the Defendant has filed a Motion for Permission to Subpoena for inspection and copying of said documents prior to trial and asked the Court to set a reasonable time and place for the production of these subpoenaed items to the Defendant, which the Defendant will then produce to the Government. This Motion was uncontested by the Government, and was Granted by the Court on January 25, 2013.

4. Because of the volume of documents presented to date and the need to obtain these additional document for use in this Defendant's defense in this matter, some delay is necessary to allow the entities time to search their records, prepare copies and deliver

those to the Defendant, and for the Defendant to then delivery those to the Government so both sides can have them for use in their cases in Court. Defendant believes that these documents once received could result in the necessity of further investigation and interview of additional potential witnesses in preparation for trial.

5. The current deadlines do not allow sufficient time for this action and for the necessary preparation of the documents already presented in discovery.

6. The necessity of time for these actions and to have sufficient time to assure the attendance of witnesses at trial and other factors set forth herein make it impractical for the parties to be able to properly prepare for trial within the seventy day period and require an extension of these time periods as allowed by 18 U.S. C. 3161(d)(2).

7. A failure to grant this continuance would be likely to result in a miscarriage of Justice and would not allow the Attorneys for the Defendant a reasonable amount of time necessary for effective and adequate preparation for trial, taking into account the exercise of due diligence in that preparation.

8. The Defendant has discussed these issues with Mr. John Courter, Assistant United States Attorney charge of the prosecution in this matter and he has advised that he had no contest to the prior Motion for subpoenas and no resistance or objection to this Motion for Continuance of Trial date and deadlines.

9. The best interests of justice and judicial economy require the Court to grant this Motion.

WHEREFORE the undersigned prays that the Court continue the Trial date in this matter currently set for the two week period of March 4, 2013 until the two week period of June 3, 2013. Defendant further prays the Court to reset the deadlines for filing

Motions and giving notice of defenses to May 4, 2013 and the deadline for providing notice to the Court of whether a plea will occur and for filing an necessary additional Motions for delay or continuance to May 14, 2013 and for such additional relief as the Court may find equitable in the premises.

Respectfully submitted,


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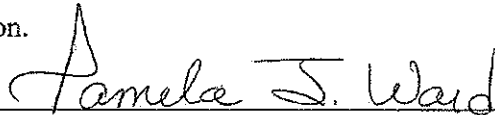
ATTORNEYS FOR THE DEFENDANT

PAMELA J. WARD

STATEMENT OF DEFENDANT

I, Pamela J. Ward, the Defendant in this matter am aware that under the law I am entitled to a speedy trial which under most circumstances could commence during the two week trial period starting March 4, 2013. I have had the opportunity to discuss this speedy trial provision with my attorneys and have also had the opportunity to discuss the need for items subpoenaed and the additional time necessary for preparation for trial in this matter. I believe it is in my best interest and the best interests of justice that the matter be continued until the two week period commencing June 3, 2013. I agree that the Court should grant this Motion and waive my right to be tried in the period commencing

March 4, 2013 in this request for extension.


PAMELA J. WARD

Original Electronically Filed.

Copy e-Mailed to:

John S. Courter, Assistant United States Attorney
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110 E. Court Avenue
Des Moines, Iowa 50309-2053

CERTIFICATE OF SERVICE

The undersigned certifies that on the ^{29th}~~24~~ day of January, 2013, the foregoing document was electronically filed with the Court using the CM/ECF system and served to the parties listed below by electronic means through the ECF system.

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s/Lawrence F. Scalise

s/Richard O. McConville